

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK **Index No.**
COUNTY OF KINGS

-----X
NAUM ZISKIN,

Plaintiff,

Plaintiff designates
Kings County
as the place of trial

The basis of venue is:
Plaintiff's residence

- against -

SUMMONS

J.P. MORGAN CHASE BANK, N.A.,

Defendant.
-----X

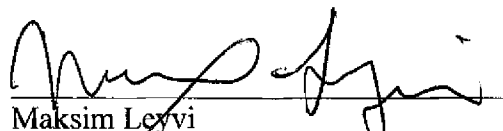
Plaintiff resides at
35 Seacoast Terr., Apt. 7U
Brooklyn, New York 11235
County of Kings

To The Above Named Defendant:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's Attorney, at their address stated below, an answer to the attached complaint. If this summons was personally served upon you in the State of New York, the answer must be served within twenty (20) days after such service of the summons, excluding the date of service. If the summons was not personally delivered to you within the State of New York, the answer must be served within thirty (30) days after service of the summons is complete as provided by law. If you do not serve an answer to the attached complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the complaint. The action will be heard in the Supreme Court of the State of New York, in and for the County of Kings. This action is brought in the County of Kings because it is the County of the Plaintiff's residence, which is 35 Seacoast Terr., Apt. 7U, Brooklyn, New York 11235.

DATED: Brooklyn, New York
April 2, 2018

By:



Maksim Leyvi
LAW OFFICES OF RICHARD BATELMAN
Attorneys for Plaintiff
1022 Avenue P
Brooklyn, New York 11223
Phone: 718-676-0900
Facsimile: 718-676-2299

Defendant's Address:

J.P. MORGAN CHASE BANK, N.A.

Legal Department

270 Park Avenue, 39th Floor

New York, New York 10017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
NAUM ZISKIN,

Index No.

Plaintiff,

- against -

**VERIFIED
COMPLAINT**

J.P. MORGAN CHASE BANK, N.A.,

Defendant.
-----X

The Plaintiff, NAUM ZISKIN, by and through his attorneys, LAW OFFICES OF RICHARD BATELMAN, complaining of the Defendant, J.P. MORGAN CHASE BANK, N.A. hereby alleges the following:

1. Plaintiff resides in the County of Kings, State of New York, and resided at the same address at all times relevant to this action.
2. Defendant J.P. MORGAN CHASE BANK, N.A. ("Chase Bank") upon information and belief, is a corporation duly authorized to conduct business in the State of New York with offices located at 270 Park Avenue, New York, New York 10017.

FACTUAL BACKGROUND

3. On or about July 26, 2016, Plaintiff received a check in the amount of \$140,000.00. The check was drawn from his attorney's IOLA trust account and represented Plaintiff's share of the proceeds of the sale of his former marital residence. A true copy of the check is annexed hereto as **Exhibit "A"**.
4. Before Plaintiff had an opportunity to make a deposit, upon information and belief, the check was obtained by Igor Kletselman ("Kletselman"), Plaintiff's business partner, without Plaintiff's authorization and consent.
5. Upon information and belief, Kletselman, or persons acting in concert with Kletselman,

forged Plaintiff's endorsement on the check and presented it for payment to defendant Chase Bank.

6. As a direct result of Chase Bank's failure to exercise any reasonable diligence in confirming the authenticity of the endorsement, Chase Bank honored the check and made payment thereon causing Plaintiff to suffer losses.

7. Plaintiff's endorsement on the check was unauthorized and made without his knowledge and consent. In fact, Plaintiff was unaware that the check had been stolen from him until after it was improperly honored by Chase Bank.

AS AND FOR A FIRST CAUSE OF ACTION

8. Plaintiff repeats, realleges and reiterates each and every allegation set forth in paragraphs "1" through "7" as if fully set forth herein.

9. Chase Bank, with wanton disregard and lack of due care, aided Kletselman to deposit and/or cash the check in the sum of \$140,000.00.

10. The actions of Chase Bank were done without proper verifications and without the proper protocols taken by banks when negotiating checks for the amounts at issue here. All of the actions and omissions of Chase Bank resulted in the loss of funds and monies deposited into the bank account at Chase Bank through the careless, reckless and negligent actions of Chase Bank and through its wanton disregard of proper actions taken by banks in verifying truthful actions of its depositors.

11. Chase Bank failed to act in a reasonably commercial manner in cashing and/or depositing the check for Kletselman, and failed to prevent the misappropriation of funds by Kletselman, all in violation of the Uniform Commercial Code and New York Laws dealing with forged instruments and false checks.

12. Plaintiff demanded that Chase Bank provide documentation concerning payment for the check in question. Chase Bank refused and still refuses to provide the requested documentation

and refuses to reimburse Plaintiff for his losses although caused by Chase Bank to the severe detriment of Plaintiff.

AS AND FOR A SECOND CAUSE OF ACTION

13. Plaintiff repeats, realleges and reiterates each and every allegation set forth in paragraphs "1" through "12" as if fully set forth herein.

14. At all relevant times, Chase Bank had a duty to confirm the authenticity of endorsements on checks that it cashed and accepted for payment.

15. Chase Bank breached this duty of care by accepting and cashing the check in question which, upon information and belief, was presented by Kletselman or a co-conspirator containing an endorsement without authorization from Plaintiff.

16. Consequently, Plaintiff suffered significant damages and loss due to Chase Bank's breach of its duty in the amount of \$140,000.00.

WHEREFORE, the Plaintiff NAUM ZISKIN hereby demands judgment on the First and Second Causes of Action against the Defendant J.P. MORGAN CHASE BANK, N.A. awarding monetary damages in the sum of \$140,000.00, together with costs and disbursements of this action, including attorneys' fees, and for such other and further relief as to this Court may deem just and proper.

DATED: Brooklyn, New York
April 2, 2018

LAW OFFICES OF RICHARD BATELMAN



Maksim Leyvi
Attorneys for Plaintiff
1022 Avenue P
Brooklyn, New York 11223
Phone: 718-676-0900
Fax: 718-676-2299

EXHIBIT A

LAW OFFICES OF RICHARD BATELMAN 12-12 **157**
IOLA TRUST ACCOUNT
 2308 CONEY ISLAND AVENUE 2ND FL
 BROOKLYN, NY 11223

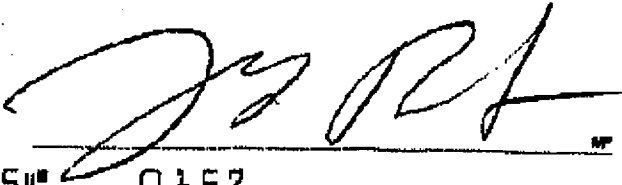
1-1367/260
434

Date 7/26/16

Pay to the Order of NAUM ZISKIN \$ 140,000 ⁰⁰/₁₀₀

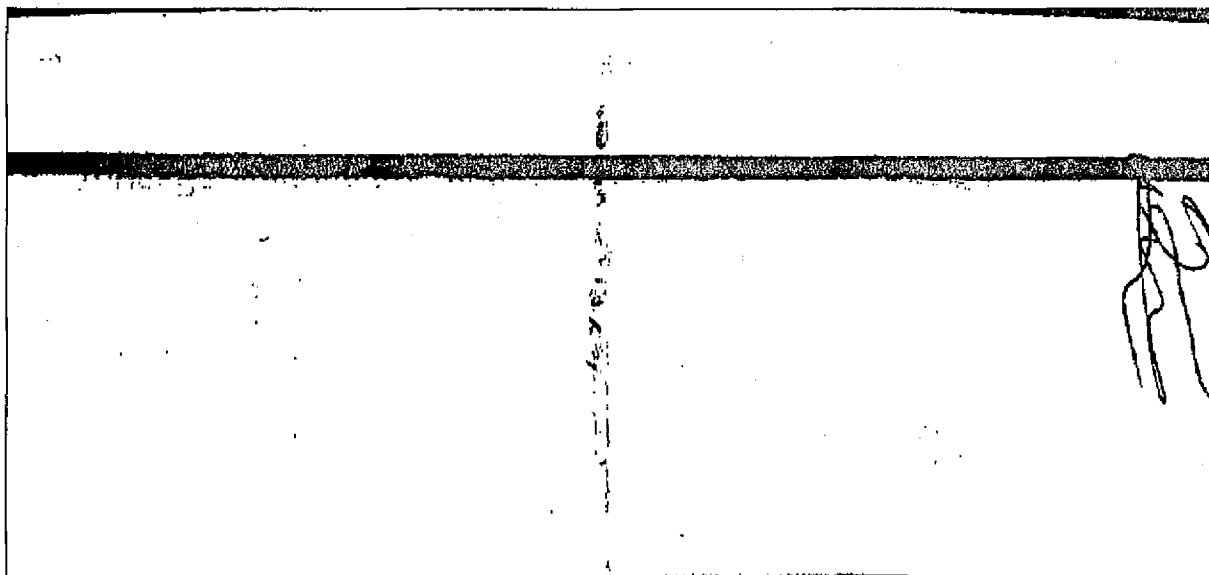
ONE HUNDRED FORTY THOUSAND ⁰⁰/₁₀₀ Dollars

TD Bank
 America's Most Convenient Bank®

For ZISKIN R/O PROCEEDS 

⑆026013673⑆ 4276218075⑆ 0157

Account: 4276218075
 Amount: 140,000.00
 PostDate: 20160802
 Tran_ID: 517809601
 CheckNum: 157
 DIN: 517810256
 ReturnReasonDescription:
 ECEItemSeqNum: 009670701690



Account: 4276218075
 Amount: 140,000.00
 PostDate: 20160802
 Tran_ID: 517809601
 CheckNum: 157
 DIN: 517810256
 ReturnReasonDescription:
 ECEItemSeqNum: 009670701690

VERIFICATION

STATE OF NEW YORK)

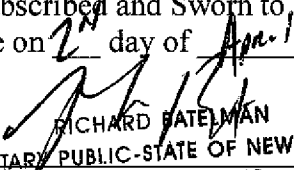
)ss.:

COUNTY OF KINGS)

I NAUM ZISKIN, being duly sworn, deposes and says:

I am the PLAINTIFF in the within action; I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Subscribed and Sworn to before
me on 2nd day of April, 2018.


RICHARD BATEMAN
NOTARY PUBLIC-STATE OF NEW YORK
Notary Public #28A6217042
Qualified in Kings County
My Commission Expires February 01, 2024


NAUM ZISKIN

Index No.

Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

NAUM ZISKIN,

Plaintiff,

- against -

J.P. MORGAN CHASE BANK, N.A.,

Defendants.

SUMMONS and VERIFIED COMPLAINT

LAW OFFICES OF RICHARD BATELMAN

Attorney for Plaintiff

1022 Avenue P

Brooklyn, New York 11223

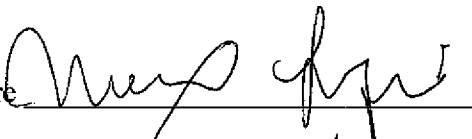
Tel.: (718) 676-0900

Fax: (718) 676-2299

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: 4/2/18

Signature



Print Signer's Name Naum Ziskin

STATE OF NEW YORK
SUPREME COURT
DISTRICT:

COUNTY OF KINGS

INDEX # : 505272-2018
Date Filed: April 24, 2018

ANDREA JONES FERGUS

45

Plaintiff(s)/Petitioner(s)

LEWIS ALLEYNE, NI MANAGEMENT LLC.

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS, SS.:

AFFIDAVIT OF SERVICE

KENNETH BARNES, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On April 28, 2018 at 2:31PM,
at 369 CUMBERLAND ST APT # 1, BROOKLYN, NY 11238, deponent served the within

Summons and Complaint

Summons and Verified Complaint

on: **LEWIS ALLEYNE**, **Defendant** therein named.

The index number and the filing date of the action were endorsed upon the face of the papers so served herein.

#1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION By delivering thereto a true copy of each to _____ personally, deponent knew the person so served to be
☐ the _____ of the corporation, and authorized to accept service on behalf of the corporation.

#3 SUITABLE
AGE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion.
☐ Said premises is recipient's: ☐ actual place of business ☒ dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☒ dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on the _____ day of _____ at _____

on the _____ day of _____ at _____

on the _____ day of _____ at _____

_____ day of _____ at _____

Address confirmed by _____

#5 MAIL COPY On _____, deponent completed service by depositing a true copy of each document to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

#6 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
☒ Sex: Male Color of skin: Black Color of hair: Gray Age: Over 65 Yrs. Height: 5' 4" - 5' 8"
 (use with #1, 2 or 3) Weight: 131 - 160 Lbs. Other Features: _____

#7 WIT. FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#8MILITARYSRVC Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#9 OTHER

Sworn to before me on

PATRICIA E. LASAK
NOTARY PUBLIC-STATE OF NEW YORK
No. 04LA6339018
Qualified in Queens County
Commission Expires March 18, 2016

KENNETH BARNE8

Server's Lic # 1278936

Invoice/ Work Order # 0310762